

To: Robert Law[rlaw@demaximis.com]
Cc: Basso, Ray[Basso.Ray@epa.gov]
From: Vaughn, Stephanie
Sent: Mon 6/3/2013 8:32:02 PM
Subject: Conditional approval of portions of the RM 10.9 Final Design Report dated May 8, 2013
[Passaic River RM 10 9 Final Design NJDEP Comments.docx](#)

Hi Rob,

EPA is hereby providing conditional approval of portions of the RM 10.9 Final Design Report dated May 8, 2013. This partial approval applies to Sections 1, 2, 3, 4 (except for Section 4.6), 5, 6, and 8, and is conditioned upon the CPG's incorporating a response acceptable to EPA to the following comments:

1. Comments 1 through 7, 12, 13, 15 and 16 of EPA comments sent on 5/23/2013
2. Comments 4 and 8 of NJDEP comments (attached).

Sections 4.6 and 7 of the report, and all appendices, portions of appendices, or portions of other sections related to these sections, are still under review by EPA and the partner agencies and will require further modification. The sections/plans that are not yet approved, as well as all related partial sections and full or partial appendices, include:

1. The Water Quality Monitoring Plan (WQMP)
2. The Perimeter Air Monitoring Plan (PAMP)
3. The cap design
4. The Long-Term Monitoring Plan (LTMP)

EPA understands that the dredging contractor requires 30 days from date of approval of the Final Design to start dredging, and EPA is issuing this partial conditional approval so they may begin their final preparations to start dredging in early July.

The outstanding sections of the Final Design are more operational in nature, or relate to later portions of the work (i.e., the cap) and thus approval of these sections can lag approval of the rest of the design slightly and should not affect the contractors ability to stay on schedule. EPA recommends the following schedule for finalization of the complete design report:

1. June 5th – CPG to submit a revised WQMP, based on additional comments submitted by EPA on May 31st
2. June 5th – EPA to submit all remaining comments on PAMP
3. June 7th – CPG to submit revised portions of the final design report affected by the comments provided above
4. June 7th, or sooner if possible – CPG to submit revised cap design, based on NJDEP comments (attached)
5. June 11th – EPA to provide approval of the portions of the Final Design related to the cap design (assuming resolution of all outstanding concerns). With the 90-day lead time to order capping materials, approval of the cap design by this date should allow sufficient time for capping to start by early September. Approval will be granted earlier, if possible.
6. June 10th – EPA to provide approval of the WQMP (assuming resolution of all outstanding concerns).
7. June 10th – CPG to submit revised PAMP
8. June 14th – EPA to provide approval of the PAMP (assuming resolution of all outstanding concerns)
9. June 10th – EPA to provide comments on LTMP
10. June 17th – CPG to submit revised LTMP
11. June 24th – EPA to provide approval of the LTMP (assuming resolution of all outstanding concerns), and thus final approval of the full Final Design Report.

Please let me know if you have any questions or concerns.

Thanks,

Stephanie